

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

v.

DANIEL DELVALLE, et al.,

Defendants.

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**Declaration**

No. 12-cr-732 (WHP)

LANCE R. CROFFOOT-SUEDE, ESQ., declares under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am the attorney of record for Defendant DANIEL DELVALLE (“Mr. Delvalle”), and I am fully familiar with the facts and circumstances of the case and the prior proceedings herein.

2. This declaration is made in support of Defendant Daniel Delvalle’s Motion for a Bill of Particulars, and Memorandum of Law in Support, filed on June 19, 2013. A Reply in Further Support of Defendant Daniel Delvalle’s Motion for a Bill of Particulars is submitted herewith.

3. I make this declaration on the basis of information and belief, the source of which is a review of the Indictment (S3), dated March 12, 2013 (the “Indictment”), the discovery produced by the Government; conversations with Mr. Delvalle, my colleagues at Linklaters LLP who are assisting me on the matter, and the Government; and a review of prior papers filed in this matter.

4. Mr. Delvalle is charged in Counts One and Two of the instant Indictment with conspiracy to possess and distribute narcotics, in violation of 21 U.S.C. §§ 841(a)(1), and

possession and discharge of a firearm in furtherance of the charged conspiracy, in violation of 18 U.S.C. § 924(c), respectively.

5. In the Motion for a Bill of Particulars, Mr. Delvalle moved this Court, pursuant to Rule 7(f) of the Federal Rules of Criminal Procedure and the Fifth and Sixth Amendments to the Constitution of the United States, for an order directing the Government to provide a bill of particulars on Count One and Count Two of the Indictment identifying:

- a. all overt acts the Government alleges were committed by Mr. Delvalle in furtherance of the charged conspiracy;
- b. the names of all charged and uncharged persons the Government will claim at trial were co-conspirators in the charged conspiracy and the date each person allegedly joined the conspiracy;
- c. the date and location of any meeting, conversation, or any other sort of activity, at which the Government will contend that Mr. Delvalle joined the charged conspiracy; and
- d. all acts committed by Mr. Delvalle which the Government will use to prove that Mr. Delvalle possessed, used, carried, or discharged a firearm, or aided and abetted such conduct, in furtherance of the charged drug-trafficking conspiracy, and any alternative theory of liability that the Government intends to rely on to establish Mr. Delvalle's liability under Count 2 of the Indictment.

6. Prior to making Mr. Delvalle's Motion for a Bill of Particulars, my colleagues at Linklaters LLP and I conferred with counsel for the Government in an effort in good faith to resolve by agreement the issues raised in Mr. Delvalle's Motion for a Bill of Particulars

without the intervention of the Court. The parties have been unable to reach an agreement on these issues.

Dated: July 19, 2013  
New York, New York

Respectfully submitted,

Linklaters LLP

/s/ Lance Croffoot-Suede  
Lance R. Croffoot-Suede, Esq.  
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